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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,047	05/03/2001	Viktor Ivanovich Petrik	12080/46001	5580

34284 7590 09/15/2004

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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Newly submitted claims 35-51 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: originally presented claims 1-34 are directed to a method for removing chemical pollutants; whereas newly presented claims 35-51 are directed to an intermediate in the production of a carbonaceous mixture. These two inventions are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product recited in newly submitted claims 35-51 can be used in another process, different from that recited in now canceled claims 1-34. For example, this intermediate could be used in the production of carbonaceous fuel. Since Applicant has received an action on the merits for a method for removing chemical pollutants, this invention has been constructively elected by original presentation for prosecution on the merits.


Accordingly, the amendment filed on June 25, 2004, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention, is non-responsive (see MPEP § 821.03).

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
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Art Unit 1724

I. Cintins
September 13, 2004